

103^D CONGRESS
2^D SESSION

H. R. 4627

To provide for the negotiation of prisoner transfer treaties in order to relieve overcrowding in Federal and State prisons.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1994

Mr. CARR of Michigan introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide for the negotiation of prisoner transfer treaties in order to relieve overcrowding in Federal and State prisons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prisoner Transfer Eq-
5 uity Act of 1994”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to relieve overcrowding
8 in Federal and State prisons by providing for the transfer
9 of aliens convicted of crimes in the United States to the

1 countries of which they are citizens to serve their term
2 of imprisonment.

3 **SEC. 3. PRISONER TRANSFER TREATIES.**

4 Not later than 90 days after the date of enactment
5 of this Act, the President should begin to negotiate pris-
6 oner transfer treaties, and renegotiate existing prisoner
7 transfer treaties with countries that currently have more
8 prisoners in United States prisons than there are United
9 States citizens in their prisons, to carry out the purpose
10 of this Act. The focus of such negotiations should be on
11 the transfer of illegal aliens who are serving in United
12 States prisons.

13 **SEC. 4. REPORT; WITHHOLDING OF ASSISTANCE.**

14 (a) **REPORTS.**—Not later than 180 days after the
15 date of enactment of this Act, and not later than March
16 30 each year thereafter, the President shall submit a re-
17 port to Congress on the progress of negotiations under-
18 taken to carry out the purpose of this Act.

19 (b) **WITHHOLDING OF ASSISTANCE.**—If—

20 (1) a report submitted under subsection (a) in-
21 dicates that no progress has been made in negotia-
22 tions with a foreign country to carry out the purpose
23 of this Act and that country is unwilling to proceed
24 with serious negotiations, and

1 (2) the United States has a greater number of
2 prisoners who are citizens of that country than the
3 number of prisoners in that country who are citizens
4 of the United States,

5 then, for the remainder of the fiscal year, and for each
6 subsequent fiscal year until the President certifies to the
7 Congress that progress has been made in negotiations with
8 that country to carry out the purpose of this Act, not less
9 than one percent or more than 10 percent of United States
10 assistance allocated for that country, as determined by the
11 President, shall be withheld from obligation and expendi-
12 ture for that country.

13 (c) DEFINITION.—As used in this section, the term
14 “United States assistance” includes—

15 (1) assistance under the Foreign Assistance Act
16 of 1961; and

17 (2) sales and sales financing under the Arms
18 Export Control Act.

19 **SEC. 5. WAIVER AUTHORITY.**

20 The President may waive the application of section
21 4(b) to a country if the President determines that with-
22 holding of assistance would jeopardize the relationship be-
23 tween the United States and that foreign country and that
24 would not be in the national interest of the United States.
25 If the President exercises the waiver authority of this sec-

1 tion, the President shall submit a statement in writing to
2 Congress setting forth the justification for the exercise of
3 the waiver.

4 **SEC. 6. DIPLOMATIC EFFORTS.**

5 The President should use such diplomatic and other
6 efforts as may be necessary to ensure progress in negotiat-
7 ing prisoner transfer treaties to carry out the purpose of
8 this Act.

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